

# NO CRIME SHOWN IN PERKINS CASE, DECLARES COURT

Neither Criminal Act or Intent Appellate Division Finds in Taking New York Life Funds to Make Up for Political Gifts.

The Appellate Division of the Supreme Court handed down an opinion this afternoon to the effect that George W. Perkins committed no crime in his part in contributing \$48,000 of the funds of the New York Life to the National Republican campaign fund.

The opinion was written by Justice Chester B. McLaughlin. Justices Ingraham, Patterson, Clarke and Loughlin concurred. Justice Morgan J. O'Brien, because of his connection with the Equitable Life as trustee, did not sit in the case, nor did Justice Houghton.

All the Justices agree that the New York Life had no right to give policyholders' funds for political purposes, and assume that a civil suit for restitution would stand.

Each of the Justices concurring wrote a long individual opinion, and the total of words declaring the innocence of Mr. Perkins is appalling. Briefly stated the facts are these: The case reached the Appellate Division on an appeal from a decision of Justice Greenbaum, who refused to allow Mr. Perkins a writ of habeas corpus after his arrest on a charge of grand larceny.

Two Essential Points. The Appellate Division holds that in this instance to justify conviction for grand larceny it was necessary to consider two essential elements. Did the person charged intend to deprive and defraud the true owner of his property of the use and benefit thereof?

Did the person charged have in his possession, custody or control as attorney, clerk, trustee or officer of the association or corporation the money or property appropriated? The five learned Justices who considered the case decided that these elements were lacking in the charges against Mr. Perkins, and that the Magistrate who issued the warrant was not justified in doing so.

There is no law, the opinion says, against a corporation contributing to a political party. There was no evidence before the Magistrate that the corporation had not advised this particular contribution. Mr. Perkins was not the officer who made it anyhow.

No Evidence of Crime. It appears from the evidence that Perkins was informed by the President of the New York Life that a contribution was to be made and was asked to make it out of his own resources, the money to be refunded to him. There was no secret about the transaction and there is no proof that Mr. Perkins had any knowledge that the President was acting without lawful authority. Nor is there any allegation that the President had any intention to defraud the corporation or its money for the use of the relation.

The Justices agree that no crime was committed and that there is no reasonable ground for belief that the defendant is guilty of a crime. He was ordered discharged. District Attorney Jerome will appeal to the Court of Appeals.

## ALLEGED STOLEN WATCH WAS ITS OWN DETECTIVE.

Mrs. Haggerty Missed It, Accused Piano Mover and Timepiece Struck Notes on the Ivory Keys.

Mrs. Mary Haggerty, of No. 877 Seventh avenue, has a trained watch that ought to be on the police force. If this abrupt statement sounds far-fetched continue to read.

John McGoldrick, a piano mover, sacked Mrs. Haggerty's piano for moving to-day. While he was on the job she missed her gold watch and accused McGoldrick of stealing it. He denied the theft, and Policeman Walsh was called in.

McGoldrick submitted to search and the watch was not found upon him. He was good natured about it and continued his work while the policeman and Mrs. Walsh talked the matter over. The piano mover pushed the instrument to the window and lifted one end of it to the level of the sill.

Immediately there was music. The scale was run from the lowest bass to the highest treble of the far right-hand octave, and McGoldrick dropped the piano as though it were hot.

That was the key in the keyboard cover and lifted it. There was Mrs. Haggerty's watch reposing on the ivory. It had run the scale when McGoldrick hoisted it. Mrs. Haggerty maintained that the piano mover locked up the timepiece, intending to remove it later on, and Walsh arrested him.

## JEROME BEATEN IN APPEAL BY MARCUS.

ALBANY, May 25.—The Court of Appeals upheld the contention of Harry Marcus, a New York skirt manufacturer, that Section 171A of the Penal Code, which forbids an employer to enter an agreement with an employee binding the latter not to join a labor organization, is unconstitutional.

The action was brought by District Attorney Jerome against Marcus, representing the H. Marcus Skirt Company. It resulted in a judgment for the people, and the imposition of a \$5 fine on Marcus.

The latter appealed on the ground that the law he had violated was contrary to that section of the constitution which forbids the Legislature to restrain an employer to enter into a free contract provided the contract does not interfere with public health and safety.

The Appellate Division reversed the lower court and its decision is now upheld by the Court of Appeals. Judge Chase writes the opinion and all concur except Judge E. T. Bartlett.

## WENHAM RELEASED, THEN REARRESTED

His Companion, Miss Lawrence, Also Rearrested, Faints in Court.

Charles S. Wenham, formerly passenger agent for the Canadian Pacific, and his woman travelling companion, Miss Clay Lawrence, were rearrested this afternoon when they were discharged by Magistrate Waite in the Centre Street Court on charges of forgery in the first degree. This is the fourth time the couple have been set free. The shock was so great that Miss Lawrence, who is a tall and pretty blonde, fainted twice in the Police Court to-day. They were taken to the Court of General Sessions, where Miss Lawrence fainted once more before being brought before Judge Foster. She was admitted to bail in \$1,000, which was furnished in cash. She went away with friends, and Wenham, who made no application for bail, was taken to the Tombs.

Wenham was arrested last January and with the exception of the few times he has been set free before being rearrested had been locked up ever since. Miss Lawrence was arrested two weeks ago on the charge of forging a quit claim deed in the name of Wenham's wife, who lives with his two children in Chicago. Magistrate Waite in discharging her and Wenham declared that he believed no crime had been committed since the deed was never filed and when found by the police had been torn up.

District Attorney Jerome had foreseen the Magistrate's decision evidently for he had secured indictments against the couple from the Grand Jury to-day. After the Magistrate had read his opinion of thirty pages the pair turned away to be stopped by Detectives Parley and Birmingham, of the District Attorney's office. In court was Detective Scott of Chicago, with warrants issued on six indictments found by the Cook County Grand Jury in Chicago charging Wenham with grand larceny. While he is in the Tombs on the forged charge efforts are being made to get extradition papers for his removal to Chicago.

Sunday World Wants Work

Monday Morning Wonders.

## GIRL HIT BY AUTO ROBBED OF JEWELS

Ghoul Stripped Miss Nellie Kip Burr of Valuables as She Lay in Road Senseless.

Every effort is being made by the detectives of the West One Hundredth Street station to track the thief who robbed Nellie Kip Burr of a valuable watch and a sum of money as she lay unconscious in Riverside Drive after being struck by a speeding automobile. She is in a semi-comatose and dangerous condition at the J. Hood Wright Hospital.

Miss Burr was crossing Riverside Drive at Eighty-eighth Street last night when the machine approached at high speed, tooting its horn. Miss Burr was frightened and let her head. She was struck and hurled twenty feet. The automobile sped on for a hundred feet before it came to a stop. While Miss Burr lay unconscious a thief slipped from her neck the diamond studded watch, which had been given by her mother. Her gold purse was also taken. William Calkins, an oil salesman, who lives at the Gilsey House, was driving the automobile. He called a policeman and the injured girl was removed to the hospital, suffering from a strained back and many cuts and bruises.

Calkins was arrested and in the West Side Court today was held in \$1,000 bail to await the result of Miss Burr's injuries. Bail was furnished. Miss Burr is the daughter of Harold C. Burr, a wealthy broker and coal dealer, with offices at No. 55 Broadway, and living at No. 10 West Seventy-seventh Street. She is a descendant of Aaron Burr. Her mother, who was a Kip, was seen today at her home. "This is an outrage," she said. "The thief might have been robbing the dead for all he knew. The watch was very valuable, as was the purse. There was not more than \$10 in it. I have just been to the hospital and my daughter is not yet conscious. I am greatly worried over her condition. Anybody who would rob a girl under such conditions could not have the sensibilities even of a hyena."

## CLEVELAND'S WHITE CITY WIPE OUT BY FIRE.

CLEVELAND, May 25.—Fire today practically destroyed the famous amusement resort known as the White City, located on the shore of Lake Erie, a few miles east of Cleveland. Numerous buildings, with their fire contents, were completely wiped out. The loss is estimated at \$150,000, with small insurance.

## The Effects of Opiates.

THAT INFANTS are peculiarly susceptible to opium and its various preparations, all of which are narcotic, is well known. Even in the smallest doses, if continued, these opiates cause changes in the functions and growth of the cells which are likely to become permanent, causing imbecility, mental perversion, a craving for alcohol or narcotics in later life. Nervous diseases, such as intractable nervous dyspepsia and lack of staying powers are a result of dosing with opiates or narcotics to keep children quiet in their infancy. The rule among physicians is that children should never receive opiates in the smallest doses for more than a day at a time, and only then if unavoidable.

The administration of Anodynes, Drops, Cordials, Soothing Syrups and other narcotics to children by any but a physician cannot be too strongly decried, and the druggist should not be a party to it. Children who are ill need the attention of a physician, and it is nothing less than a crime to dose them willfully with narcotics.

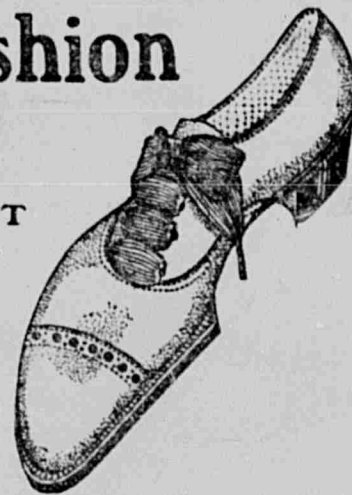
Castoria contains no narcotics if it bears the signature of Chas. H. Fletcher. Genuine Castoria always bears the signature of *Chas. H. Fletcher*.

## CAMMEYER 6th Ave., Cor. 20th St. YOUNG MEN WILL FIND A Grand Line of Latest Fashion Shoes

In Our BASEMENT  
That We Sell At

\$2.50

Which are not equalled  
at any other store for  
less than \$3.50.



We produce them in all the newest styles and forms in both low and high models and in all leathers. It is the best shoe on the market at the price and we are the only house that sells such superior footwear at \$2.50.

These shoes are displayed in our 20th Street windows. Store Open Saturday Evenings.

## T. KELLY

263 Sixth Avenue

(Entrance Through Furniture Store.)

Dress Well on \$1 a Week.

Men's New Model Sack Suits.



Our three-button square cut sack suits are having a phenomenal sale. They appeal at once to dressy tastes. Cut in popular lengths, with just the right style, and fit as though made to order. The price is way low, yet you may own one of these swagger suits, on our easy-payment plan, for Fifteen Dollars.

Offered in fancy worsted plaids, mixtures and the newest gray overplaids. Also in chevots, cassimeres and the famous OSWEGO Blue Serges. All at .....

Young Men's  
Sack Suits.

All the smart details of the best tailors are in our young men's clothes. These dressy sacks are cut in the new extra lengths, with deep side or centre vents and athletic shoulders that make them "classy." We show them in fashionable gray plaids, blue serges and fancy mixtures, checks and stripes. All sizes from 14 to 20 yrs., at.....

For the Boys.

Nobby fancy cassimere and chevot Suits of all wool, and Blue Serges, made in stylish double-breasted models and Norfolk, with plain or knickerbocker trousers, size 8 to 16.....

Correct New Shoes and Oxfords.

Take a look at our complete assortment of new toes and stylish lasts in Shoes and Oxfords, button or lace, in GUN METAL CALF, VICI KID, PATENT KID and fine DULL-FINISH KID, at.....

Open Saturday Evenings Until 10 o'clock.

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CONTAINS ALL SPORTING NEWS OF THE DAY.

# Another Revolution in Cigar Values

In perfecting our scientific processes for the improvement of cigar quality our greatest ambition was to produce a cigar equal in size, quality and workmanship to the old standard 5-cent cigar, and sell it to the American smoker for 3 cents. This announcement marks the accomplishment of our purpose. The proof awaits you in



A 5c. Cigar for 3c.

now on sale by good dealers everywhere at 3c. each, \$3.00 a hundred, \$30.00 a thousand.

Imagine the sensation if you woke up some morning to find that car fares had been reduced to 3 cents.

Yet most men spend more money for cigars than they do for car fares.

Why shouldn't they be vastly more interested in a reduction in the cost of their cigars?

If you could buy cigars for 3 cents equal in quality to those that formerly cost 5 cents, think of

the saving it would mean to you. You wouldn't be ashamed of the price as long as you got the quality.

"Smokettes" is a full-size cigar which is unmistakably better than the old standard 5c. cigar—and equal in quality to any standard 5c. cigar now on the market—except "A" (Triangle A) brands.

Try a "Smokettes" and you will realize what a tremendous evolution has taken place in cigar production—and you'll see what the American Cigar Company has accomplished.



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